



02-02-05

AFZaw  
PTO/SB/17 (10-03)

Approved for use through 07/31/2006. OMB 0651-0032  
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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**FEE TRANSMITTAL  
for FY 2004**

Effective 10/01/2003. Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

**TOTAL AMOUNT OF PAYMENT**

(**\$**)

**Complete if Known**

|                      |                         |
|----------------------|-------------------------|
| Application Number   | 10,644,633              |
| Filing Date          | 8/20/2003               |
| First Named Inventor | Viktor Koldiaev, et al. |
| Examiner Name        | Johannes P. Mondt       |
| Art Unit             | 2826                    |
| Attorney Docket No.  | 88103.0001              |

**METHOD OF PAYMENT (check all that apply)**

Check     Credit Card     Money Order     Other     None

Deposit Account Number

502365

Deposit Account Name

The Director is authorized to: (check all that apply)

- Charge fee(s) indicated below     Credit any overpayments  
 Charge any additional fee(s) or any underpayment of fee(s)  
 Charge fee(s) indicated below, except for the filing fee

To the above-identified deposit account.

**FEE CALCULATION**

**1. BASIC FILING FEE**

| Large Entity Fee    | Small Entity Fee | Fee Description        | Fee Paid |
|---------------------|------------------|------------------------|----------|
| Code (\$)           | Code (\$)        |                        |          |
| 1001 770            | 2001 385         | Utility Filing Fee     |          |
| 1002 340            | 2002 170         | Design filing fee      |          |
| 1003 530            | 2003 265         | Plant filing fee       |          |
| 1004 770            | 2004 385         | Reissue filing fee     |          |
| 1005 160            | 2005 80          | Provisional filing fee |          |
| <b>SUBTOTAL (1)</b> |                  | <b>(<b>\$</b>)</b>     |          |

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

|                    | Extra Claims                | Fee from below | Fee Paid |
|--------------------|-----------------------------|----------------|----------|
| Total Claims       | [ ] -20** = [ ] x [ ] = [ ] |                |          |
| Independent Claims | [ ] - 3** = [ ] x [ ] = [ ] |                |          |
| Multiple Dependent | [ ] = [ ]                   |                |          |

| Large Entity Fee    | Small Entity Fee | Fee Description   |
|---------------------|------------------|---|
| Code (\$)           | Code (\$)        |   |
| 1202 18             | 2202 9           | Claims in excess of 20                                    |
| 1201 86             | 2201 43          | Independent claims in excess of 3                         |
| 1203 290            | 2203 145         | Multiple dependent claim, if not paid                     |
| 1204 86             | 2204 43          | **Reissue independent claims over original patent         |
| 1205 18             | 2205 9           | **Reissue claims in excess of 20 and over original patent |
| <b>SUBTOTAL (2)</b> |                  | <b>(<b>\$</b>)</b>  |

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)**

**3. ADDITIONAL FEES**  
**Large Entity**      **Small Entity**

| Fee Code            | Fee \$ | Fee Code | Fee \$ | Fee Description  | Fee Paid |
|---------------------|--------|----------|--------|--|----------|
| 1051                | 130    | 2051     | 65     | Surcharge - late filing fee or oath  |          |
| 1052                | 50     | 2052     | 25     | Surcharge - late provisional filing fee or cover sheet                     |          |
| 1053                | 130    | 1053     | 130    | Non-English specification  |          |
| 1812                | 2,520  | 1812     | 2,520  | For filing a request for ex parte reexamination                            |          |
| 1804                | 920*   | 1804     | 920*   | Requesting publication of SIR prior to Examiner action                     |          |
| 1805                | 1,840* | 1805     | 1,840* | Requesting publication of SIR after Examiner action                        |          |
| 1251                | 110    | 2251     | 55     | Extension for reply within first month                                     |          |
| 1252                | 420    | 2252     | 210    | Extension for reply within second month                                    |          |
| 1253                | 950    | 2253     | 475    | Extension for reply within third month                                     |          |
| 1254                | 1,480  | 2254     | 740    | Extension for reply within fourth month                                    |          |
| 1255                | 2,010  | 2255     | 1,005  | Extension for reply within fifth month                                     |          |
| 1401                | 330    | 2401     | 165    | Notice of Appeal   |          |
| 1402                | 330    | 2402     | 165    | Filing a brief in support of an appeal                                     |          |
| 1403                | 290    | 2403     | 145    | Request for oral hearing   |          |
| 1451                | 1,510  | 1451     | 1,510  | Petition to institute a public use proceeding                              |          |
| 1452                | 110    | 2452     | 55     | Petition to revive - unavoidable   |          |
| 1453                | 1,330  | 2453     | 665    | Petition to revive - unintentional   |          |
| 1501                | 1,330  | 2501     | 665    | Utility issue fee (or reissue)   |          |
| 1502                | 480    | 2502     | 240    | Design issue fee   |          |
| 1503                | 640    | 2503     | 320    | Plant issue fee  |          |
| 1460                | 130    | 1460     | 130    | Petitions to the Commissioner  |          |
| 1807                | 50     | 1807     | 50     | Processing fee under 37 CFR 1.17(q)  |          |
| 1806                | 180    | 1806     | 180    | Submission of Information Disclosure Stmt                                  |          |
| 8021                | 40     | 8021     | 40     | Recording each patent assignment per property (times number of properties) |          |
| 1809                | 770    | 2809     | 385    | Filing a submission after final rejection (37 CFR 1.129(a))                |          |
| 1810                | 770    | 2810     | 385    | For each additional invention to be examined (37 CFR 1.129(b))             |          |
| 1801                | 770    | 2801     | 385    | Request for Continued Examination (RCE)                                    |          |
| 1802                | 900    | 1802     | 900    | Request for expedited examination of a design application                  |          |
| Other fee (specify) |        |          |        |  |          |

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3)**

)

Complete (if applicable)

**SUBMITTED BY**

|                   |                   |                                      |        |            |                  |
|-------------------|-------------------|--------------------------------------|--------|------------|------------------|
| Name (Print/Type) | Tyson Y. Winarski | Registration No.<br>(Attorney/Agent) | 41,381 | Telephone: | 602.259.5298     |
| Signature         |                   |                                      |        | Date       | February 1, 2005 |

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



|   |  |                        |                         |
|---|--|------------------------|-------------------------|
| <b>TRANSMITTAL FORM</b><br><br>(to be used for all correspondence after initial filing) |  | Application Number     | 10/644,633              |
|   |  | Filing Date            | 8/20/2003               |
|   |  | First Named Inventor   | Viktor Koldiaev, et al. |
|   |  | Art Unit               | 2826                    |
|   |  | Examiner Name          | Johannes P. Mondt       |
| Total number of Pages in This Submission  |  | Attorney Docket Number | 88103.0001              |

**ENCLOSURES (Check all that apply)**

|   |  |   |
|---|--|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form        | <input type="checkbox"/> Drawings  | <input type="checkbox"/> After Allowance Communication to TC                            |
| <input type="checkbox"/> Fee Attached                           | <input type="checkbox"/> Licensing-related Papers  | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences     |
| <input type="checkbox"/> Amendment/Reply                        | <input type="checkbox"/> Petition  | <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final                            | <input type="checkbox"/> Petition to Convert to a Provisional Application                | <input type="checkbox"/> Proprietary Information  |
| <input type="checkbox"/> Affidavits/declaration(s)              | <input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address | <input type="checkbox"/> Status Letter  |
| <input type="checkbox"/> Extension of Time Request              | <input type="checkbox"/> Terminal Disclaimer   | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):         |
| <input type="checkbox"/> Express Abandonment Request            | <input type="checkbox"/> Request for Refund  |   |
| <input type="checkbox"/> Information Disclosure Statement       | <input type="checkbox"/> CD, Number of CD(s) _____                                       |   |
| <input type="checkbox"/> Certified Copy of Priority Document(s) | <input type="checkbox"/> Landscape Table on CD   |   |

|  |   |
|--|---|
| <input type="checkbox"/> Reply to Missing Parts/Incomplete Application | Remarks<br><br><b>Response to Final Office Action Mailed 11/03/2004</b> |
|--|---|

**SIGNATURE F APPLICATION, ATTORNEY, OR AGENT**

|              |                       |         |        |
|--------------|-----------------------|---------|--------|
| Firm Name    | Steptoe & Johnson LLP |         |        |
| Signature    |                       |         |        |
| Printed Name | Tyson Y. Winarski     |         |        |
| Date         | February 1, 2005      | Reg.No. | 41,381 |

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Services with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22312-1450 on the date shown below:

|                      |                   |      |                  |
|----------------------|-------------------|------|------------------|
| Signature            |                   |      |                  |
| Type or printed name | Tyson Y. Winarski | Date | February 1, 2005 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS: SEND TO Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

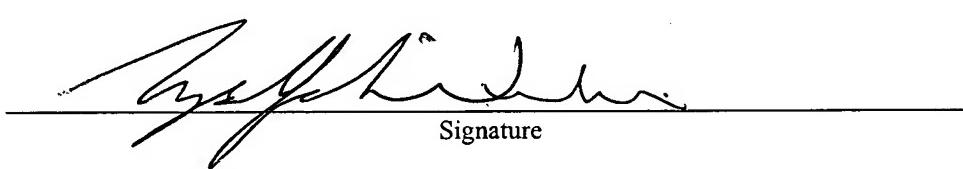


## Certificate of Mailing under 37 CFR 1.10

I hereby certify that the following **Response to Final Office Action Mailed 11/03/2004, Transmittal Form, Fee Transmittal and return postcard** are being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated below and is addressed to:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

on February 1, 2005.  
Date

Signature

Tyson Y. Winarski

Typed or printed name of person of Signing Certificate

Reg. No. 41,831

Express Mail Label No.: EV 329980801 US

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Patent  
Attorney's Docket No. 88103.0001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of  
Koldiaev et al.

)

Application No.: 10/644,633

)

Group Art Unit 2826

Examiner: Mondt, Johannes P

Confirmation No.: 7524

Filed: 08/20/2003

)

For: Oxide-Nitride-Oxide Spacer with Oxide  
Layers Free of Nitridization

)

Assistant Commissioner of Patents  
P.O. BOX 1450  
Alexandria, Virginia 22313-1450

**RESPONSE TO FINAL OFFICE ACTION MAILED 11/03/2004**

Dear Sir:

In response to the Final Office Action mailed 11/03/2004, the Applicant hereby requests reconsideration and further examination of this application. Please enter this paper into the Official Files pertaining to the above-titled application.

Please amend the application as follows. No new matter is added.

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